SWEETWATER SPRINGS WATER DISTRICT

TO: Board of Directors **AGENDA NO. V-E**

FROM: Steve Mack, General Manager

Meeting Date: August 7, 2014

SUBJECT: DISCUSSION / ACTION RE: SALES CONTRACT FOR DISTRICT PROPERTY AT 17448 RIVER LANE, GUERNEVILLE, WITH THE RUSSIAN RIVER RECREATION AND PARK DISTRICT

RECOMMENDED ACTION: Receive a report on the progress of the sale of the 17448 River Land parcel to the Russian River Recreation and Park District.

FISCAL IMPACT: Agreed upon sales price is $60,000.

DISCUSSION:

The District and the Russian River Recreation and Park District (RRR&PD) have entered into a sales contract that would transfer the parcel at 17448 River Lane to the RRR&PD for $60,000 subject to an open space easement held by the District. The RRR&PD have had the easement language for some time; I was asked to come to the August 20 RRR&PD to explain the easement.

Recently, the District was approached by Mark O'Flynn, the owner of a parcel two lots away regarding trespassing on his property which is a vacation rental on the Russian River. In our discussion Mr. O'Flynn passed on his understanding of the various property boundaries of the river front properties, including the 17448 River Lane parcel. Mr. O'Flynn encouraged me to read the property description of the parcel which states that the river side boundary is the "low water line of the Russian River as it existed on July 23, 1885." We do not know exactly where that line was on that date but that was prior to any dams on the River – summer dams and Coyote and Warm Springs Dams, so it would have been normal mid-summer unsupported flow.

Prior to this discussion, we – both Districts – were thinking that there was a parcel between the District's parcel and the river during summer. From this property description, apparently there is not. That other parcel is just land beneath the river to the mid-point of the river with a 10 foot strip of land to River Lane. The 17448 River Lane property description is attached as Exhibit A.

One other piece of pertinent information is that I have been informed by staff associated with the RRR&PD that the State Lands Commissions has informed them that lands next to rivers are in the public trust and accessible to the public up to the ordinary high water mark. That would mean that land between the river's edge and the ordinary high water mark is accessible to the public, if there is public access to that location. "The area between the ordinary high and low water marks on non-tidal waterways is subject to a "public trust easement" which is also under State Lands Commission jurisdiction." **California Civil Code, Section 830**

Exhibit A. 17448 River Lane Property Description

Parcel 50:

Beginning at the most Northerly corner of the parcel of land conveyed by George Munk, a single man, to Chester Leonard and wife by Deed dated July 29, 1954 and recorded August 5, 1954 in the Office of the County Recorder of Sonoma County under Recorder's Serial No. E-26784; thence South 41 degrees 08' 20" East and along the Northeastern line of said Leonard Parcel a distance of 64.36 feet; thence North 11 degrees 17' East to a point that bears 20 feet measured at right angles from the extension Southerly of the Southwestern line of the parcel of land described in the Deed conveyed by Herbert A. Genelly and wife to Alexander Smirnov and wife, by Deed dated September 29, 1946 and recorded February 7, 1947 in the Office of the County Recorder of Sonoma County under Recorder's Serial No. C-37339; thence North 35 degrees West and parallel with the said Southwestern line of Smirnov Parcel a distance of 291 feet, more or less, to the low water line of Russian River as it existed on July 23, 1886; thence Southwesterly and along said low water line to the most Northerly corner of the parcel of land conveyed by Mae Toivari and husband to Barbara La Vita Smith, by Deed dated March 24, 1954 and recorded April 2, 1954 in the Office of the County Recorder of Sonoma County under Recorder's Serial No. E-17745; thence South 54 degrees 01' 20" East and along the Northern line of said Smith parcel a distance of 253.33 feet to a point on the Western line of said Leonard Parcel; thence North 13 degrees 45' 40" East a distance of 54.4 feet to the point of beginning.

A.P. No.: 71-220-68

River Lane property Description